



**STATE OF MONTANA  
DEPARTMENT OF CORRECTIONS  
POLICY DIRECTIVE**

Policy No. DOC 1.3.44	Subject: <b>TELEWORK</b>
Chapter 1: ADMINISTRATION AND MANAGEMENT	Page 1 of 6 and Attachments
Section 3: Human Resource Bureau	Effective Date: July 26, 2006
Signature: /s/ Mike Ferriter, Director	Revised: 02/15/11

## **I. POLICY**

The Department of Corrections encourages alternative work arrangements when it is mutually beneficial to the work unit and employee, meets the Department mission and goals, and maintains established job performance standards.

## **II. APPLICABILITY**

All Department divisions, facilities, and programs.

## **III. DEFINITIONS**

Alternative Worksite – A work location other than the central worksite, which may be located in the employee's home or at a satellite office in proximity to the employee's home, as specified in the telework agreement.

Central Worksite – An employee's traditional office or workplace.

Telework – A flexible work arrangement where an employee may be permitted to work from an alternative worksite one or more days a week. Also referred to as telecommuting.

## **IV. DEPARTMENT DIRECTIVES**

### **A. General Requirements**

1. To the extent possible, all eligible employees will be given equal opportunity to telework; however, position duties, equipment availability, budgetary impact, or other factors may limit the Department's ability to approve telework.
2. Under a telework agreement, employees are expected to comply with all applicable Department policies, procedures, legal requirements, and regulations. Failure to comply may result in the loss of telework privileges and disciplinary action.
3. A telework arrangement may be brief, i.e., not to exceed a set number of weeks, permanent; or may be either part-time or full-time.
4. Department telework sites must be in Montana.
5. The Department does not guarantee the approval of telework arrangements.

### **B. Selection Criteria**

1. Supervisors will complete a written cost-benefit analysis of all telework requests.

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2. The analysis must establish that the telework arrangement is in the Department's best interests. The analysis will consider the following eligibility criteria:
  - a. length of employment:
    - 1) employees must have worked for the Department a minimum of one year;
  - b. work habits:
    - 1) employees must have demonstrated self-motivation, self-discipline, and the ability to work independently, manage distractions, and meet deadlines;
    - 2) supervisors must consider past job performance; and
    - 3) there must be a process to measure the employee's telework work performance and production;
  - c. position:
    - 1) the telework position must have a sufficient number of tasks that may be performed with a minimum of direct supervision or contact with customers;
    - 2) the position's need for specialized material must be minimal or flexible;
    - 3) the employee's work objectives and tasks must be clearly defined with measurable results; and
    - 4) a current telework position description must be on file with the Human Resource office prior to job implementation;
  - d. customer service:
    - 1) the telework schedule must be arranged so that there is no difference in the level of customer service and so that workplace location is not noticeable to the customer;
  - e. location of work:
    - 1) the work location must not significantly alter the employee's job content or co-workers' job content;
  - f. cost:
    - 1) the telework arrangement must be in the financial best interest of the Department which is in no way obligated to expend funds to make telework possible for employees;
  - g. and support services:
    - 1) the employee's needs for computer technical support must be minimal and cost-effective for the Department; and
    - 2) the employee will not hold business meetings with clients, customers, the public, or professional colleagues at his or her residence.

### **C. Covered and Non-covered Expenses**

1. For telework positions:
  - a. duties, obligations, responsibilities, and conditions of employment with the Department remain unchanged; and
  - b. salary, retirement benefits, and state-sponsored insurance coverage remain unchanged.
2. The Department will:
  - a. reimburse business telephone calls when the employee submits receipts;
  - b. provide the necessary office supplies for use at the telework site; and

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- c. may elect to provide telephone, Internet, Intranet, and other computer connections to allow the employee to conduct his or her job duties at the telework site based on the cost-benefit analysis.
3. The Department will not:
  - a. pay for the employee's travel time between the telework site and central worksite; or
  - b. pay for the employee's home heat, light, power, and insurance expenses.

#### **D. Equipment and Documents**

1. The Department may provide the necessary equipment and supplies or permit employee-owned equipment to be used. The Information and Business Technology Bureau must approve all computer equipment used to connect to state resources.
2. The employee must immediately bring to the attention of his or her supervisor any needed repair of state-owned equipment. Such repair is the responsibility of the Department unless damage was caused by employee negligence or a by a member of the employee's household. Repairs to employee-owned equipment are the employee's responsibility.
3. All state-owned equipment is covered by insurance administered through the Risk Management and Tort Defense Division. The Department must provide an itemized list of all state-owned equipment, including serial numbers, located at the telework site to the RMTD division.
4. The employee will maintain the confidentiality of restricted Department materials and information, and may need special permission from his or her supervisor to take certain materials to the telework site; if so, this must be described in the attached telework agreement. The employee will be required to provide adequate and secure storage for all records taken to or produced at the telework site.
5. Software, products, documents, and records used or developed while in a telework status remain the property of the Department of Corrections and are to be used only for business purposes. In accordance with state policy, employees are prohibited from using the software, products, documents, and Department-owned equipment or supplies for personal use and are also subject to Department policy regarding records retention.
6. The employee will ensure that any Department documents or data stored on the remote computer is backed up and recoverable.

#### **E. Security, Safety, Insurance, Liability, and Taxes**

1. The employee's home office must be covered by liability insurance.
2. Employees are encouraged to consult their insurance agent and a tax consultant for information regarding home-based worksites.
3. During work hours and while performing functions in the designated "work area" of the home, employees are covered by workers' compensation insurance. Any accident occurring outside this area is the employee's responsibility. The employee is responsible

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for avoiding work that is not normally a part of the job when at the telework site, e.g., heavy lifting, and for taking normal precautions to avoid accidents. The employee must immediately report any injury to the supervisor.

4. In case of injury, theft, loss, or tort liability related to telework, the employee must allow agents of the state to investigate and inspect the telework site. The telework site may also be inspected by the supervisor who will provide the employee with reasonable notice of inspection and investigation.

#### **F. Dependent Care**

1. Employees must manage dependent care and personal responsibilities in a way that allows them to successfully meet job responsibilities. If dependent care was required for office work, it will likely be required for telework. Telework may not be used as a substitute for full-time dependent care. This does not mean that dependents will be absent from the home during telework hours; it means that they will not require the employee's attention during work hours.

#### **G. Implementation**

1. The requesting employee must complete Sections 1 & 2 (Telework Application and Self-Assessment) of the [Telework Agreement](#), then sign Section 3, Employee Acceptance statement, and submit the agreement to his or her supervisor.
2. The supervisor will complete and sign Section 3, Proposal Acceptance Supervisor Review, only after a cost-benefit analysis is completed. The supervisor must document the reasons for proposal modification or a telework denial.
3. The supervisor and employee will complete Section 4, Agreement, together. The telework agreement must cover the telework site, schedule, tasks to be preformed, equipment to be used, payment of expenses, communication, dates for teleworking, and any special arrangements.
4. A designated IT employee will complete and sign Section 5, Equipment, and schedule any needed equipment installations.
5. A Department budget analyst will complete and sign Section 6, Expenses.
6. If the telework site is located in the employee's home, the employee will establish and maintain the worksite free from distractions. The site will be a separate office area with the ability to accommodate office furniture, equipment, and storage designated for Department work. The supervisor will inspect the office and complete Section 7, Safety and Security Checklist.
7. The supervisor and employee will sign Section 8, Acceptance, retain copies, and forward the agreement to the division administrator and the Human Resource Bureau for approval.
8. The Human Resource Bureau will place a copy of the telework agreement in the employee file.

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9. The supervisor and employee will periodically review the telework agreement and revise as needed.
10. The employee will complete the [Monthly Telework Feedback Form](#), and submit it to the supervisor as a way to identify problems and facilitate regular communication between the employer and supervisor.

#### **H. Support of Information Technology**

1. The Department's IT employee is not responsible to troubleshoot or repair personally owned computers, connected devices (i.e., printers, modems, scanners, firewalls), operating systems, productivity software, connectivity software, or Internet connections.
2. IT employees will support the connections it provides once the external device connects to the State network. This support is limited to authentication services and Department data systems to which the employee is connected.
3. Support for Department owned equipment that cannot be connected remotely will be provided by a technician at a Department office as scheduled during regular business hours.

#### **I. Termination**

1. Telework is voluntary. A telework agreement may be terminated at any time by either the Department of Corrections or the employee. Employees have the right to cease telecommuting and return to their former in-office arrangement after reasonable notice. The reason for and date of withdrawal will be documented and filed with the original telework agreement.
2. Upon termination of the telework agreement, the employee will delete all Department documents and data from the personal computer.

#### **V. CLOSING**

Provisions of this policy not required by statute will be followed unless they conflict with negotiated labor contracts that take precedence to the extent applicable.

Questions concerning this policy should be directed to the Human Resource Bureau.

#### **VI. REFERENCES**

- A. [2-18-120](#), MCA (2009) *Telework Authorized and Encouraged*
- B. 3-0175; *Montana Operations Manual*
- C. [DOC Policy 1.1.1](#), *Purpose, Mission, and Management Philosophy*

#### **VII. ATTACHMENTS**

[Telework Agreement](#)  
[Monthly Telework Feedback Form](#)